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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,636	02/12/2002	Joseph Joseph		7129

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EXAMINER

LE, THIEN MINH

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Applicati n N .	Applicant(s)	
	10/074,636	JOSEPH, JOSEPH	
	Examiner	Art Unit	
	Thien M. Le	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with th correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) /                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

The information disclosure statement filed on 2/12/2002 has been entered.

Claims 1-10 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4-7, and 10, are rejected under 35 U.S.C. 102(e) as being anticipated by Morrison et al. (herein Morrison – 6,522,772).

Morrison discloses a self-service checkout terminal 10. According to Morrison, the self-service checkout terminal 10 comprises a processing unit 26, a product scale 12, a scanner 14, a biometric sensing device 16, a card reader 30, a display monitor 32, a keypad 34, and a memory device 27. In the detail descriptions of figure 2, Morrison discloses that the processing unit 26 monitors output signals on the communication line 41 in order to determine when the biometric sensing device 16 has captured or otherwise detected a biometric characteristic of the customer so that the captured biometric characteristic may be compared to a stored user biometric profile associated with the customer in order to verify identity of the customer.

According to Morrison, the biometric sensing device 16 may be embodied as a facial recognition device for detecting a facial pattern associated with a customer's facial characteristics. Such a system typically includes a video system having a video camera (not shown) which captures an image of the customer during use of the self-service checkout terminal 10. Morrison further discloses that the biometric database 21 may be maintained locally (i.e. at the retailer's store ), regionally (i.e. within a group of stores in the same geographic region), or globally (i.e. at the retailer's headquarters so as to be accessible at any of the retailer's stores). Hence, access to user biometric profiles may be configured to fit the requirements of a given retailer.

As can be seen, Morrison discloses the claimed invention.

Regarding claims 4-5, Morrison discloses that the biometric sensing device may detect fingerprint, facial, iris, hand or voice recognition devices which would embrace all limitations set forth in these claims.

Regarding claim 6, the self-service check out terminal as taught by Morrison is considered to include a clock for keeping the time, date, week, day, year for transaction record. Though Morrison is silent about the clock, he is discussing the step of recording/updating transaction table, generating a receipt for the customer at the end of a transaction. Typical, the time/date/day/month/year of the transaction are recorded on the receipt which thus implying the use of an internal clock means.

Regarding claim 7, see the discussions regarding claim 1. Specifically, Morrison discloses the use of cash acceptor, a cash dispenser, a coin dispenser, a control means for calculating transaction amount, card accepting means, drawers for storing the cash, coins, etc. It is further noted that according to Webster's II, New Riverside University Dictionary, a cash-register is defined as "a machine that tabulate the amount of sales transactions, makes a permanent and cumulative record of them, and has a drawer in which cash may be kept". As can be seen, Morrison's self-service checkout terminal would embrace all limitations set forth in this claim.

Regarding claim 10, see the discussions regarding claims 1 and 7. Specifically, it is noted that Morrison discloses the use of his self-service checkout terminal in retail environments such as groceries stores, etc. It is noted that more than one checkout terminals are often provided at a retail store. Typically, the checkout terminal are hard-wired together and are connected to a central computer located within a store via a

wired or a wireless communication links. For this reason, the examiner is of the view that the claimed limitations set forth in this claim is merely an intended application of Morrison's teachings.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison et al. (herein Morrison – 6,522,772; cited above) in view of Deaton et al. (herein Deaton – 5,687,322).

Regarding claim 8, see the discussions above regarding claims 1, and 4-7. The claim differs in calling for a check reader means for reading account and bank identification numbers. However, the claimed limitation is not new. A typical POS (Point-of-Sale) or transaction terminal often includes a check reader/acceptor to accept checks as a form of payment. Reference to Deaton is cited as evidence showing the conventionality of the use of a check reader in a point of sale environment. Specifically, figure 2A of Deaton shows a plurality of POS terminals wherein each POS terminal 120 includes an automatic check reader 119 and a transaction terminal 121 which includes a keypad 122 and a display 124. A bar code reader 123a is also connected to terminal 121 and is used to read bar code numbers on products purchased at the point-of-sale. Without any unexpected result, it would have been obvious to include a check-reader in the system as taught by Morrison in order to accept checks as a form of payment in the manner as illustrated by Deaton. The modification merely extends Morrison's teaching to further accept checks as a form of payment that well within skill levels and recognitions of an ordinary skilled artisan in light of the prior art of record.

Regarding claim 9, see the discussions regarding claim 1. Specifically, Morrison discloses a card reader 30 and a bar code scanner 14 which would embrace all limitations set forth in this claim.

### ***Allowable Subject Matter***

Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art references disclose a checkout terminal comprising a check reading means, a biometric reading means, a cash register means. However, the prior art fails to disclose the step of automatically shut down the checkout terminal due to lack of activities of the cash register means as recited in claim 1. The prior art also fails to limit the step of cashing payroll checks that are issued/drafted by the employer/operator of the specific checkout station as recited in claim 2.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (703) 305-3500. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**Le, Thien Minh**  
**Primary Examiner**  
**Art Unit 2876**  
**May 13, 2003**